

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1388

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CORNEJO (Sponsor), BRATTIN, BAHR,
CURTMAN AND ROWDEN (Co-sponsors).

5048L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 542, RSMo, by adding thereto one new section relating to location information of an electronic device, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 542, RSMo, is amended by adding thereto one new section, to be known as section 542.375, to read as follows:

542.375. 1. As used in this section, the following terms shall mean:

(1) "Electronic communication service", a service that provides to users of the service the ability to send or receive wire or electronic communications;

(2) "Electronic device", a device that enables access to or use of an electronic communication service, remote computing service, or location information service;

(3) "Government entity", a state or local agency, including but not limited to a law enforcement entity or any other investigative entity, agency, department, division, bureau, board, or commission or a person acting or purporting to act for or on behalf of a state or local agency;

(4) "Location information", information concerning the location of an electronic device that, in whole or in part, is generated or derived from or obtained by the operation of an electronic device;

(5) "Location information service", the provision of a global positioning service or other mapping, locational, or directional information service;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **(6) "Remote computing service", the provision of computer storage or processing**
16 **services by means of an electronic communication system.**

17 **2. Except as provided in subsection 3 of this section, a government entity shall not**
18 **obtain the location information of an electronic device without a search warrant issued by**
19 **a court of competent jurisdiction.**

20 **3. A government entity may obtain location information of an electronic device**
21 **under any of the following circumstances:**

22 **(1) The device is reported stolen by the owner;**

23 **(2) To respond to the user's call for emergency services;**

24 **(3) With the informed affirmative consent of the owner or user of the electronic**
25 **device; or**

26 **(4) A possible life-threatening situation exists.**

27 **4. Any evidence obtained in violation of this section is not admissible in a civil,**
28 **criminal, or administrative proceeding and shall not be used in an affidavit of probable**
29 **cause in an effort to obtain a search warrant.**

30 **5. Any person who violates this section shall be subject to a fine of fifty dollars.**

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